

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

JOSEPH HOY,)
Plaintiff,)
v.)
DYNAMIC VALUES CORP.,)
Defendant.)
No. 1:13-cv-01785-TWP-MJD

ENTRY ON DAMAGES ON DEFAULT JUDGMENT

This matter is before the Court on Plaintiff Joseph Hoy's Motion for Entry of Default Judgment ([Filing No. 25](#)). Default judgment was entered against Defendant Dynamic Values Corp. on January 21, 2015 ([Filing No. 26](#)). A hearing on damages was held on February 25, 2015. The Plaintiff appeared in person and by counsel. The Defendant failed to appear. Witnesses were sworn and evidence was admitted. The Plaintiff entered into evidence:

1. Affidavit of service showing that the Defendant was served with the Summons and Complaint on November 26, 2013;
2. Affidavit of service showing that the Defendant was served with the Amended Complaint on August 12, 2014;
3. Affidavit of service showing that the Defendant was served with the Order of Default and Scheduled Hearing on Damages on February 12, 2015;
4. July 8, 2013 dunning letter sent by the Defendant;
5. November 22, 2013 email sent directly to the Plaintiff by the Defendant.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that due to the egregious nature of the communications sent by the Defendant and the Defendant's failure to respond in this

action, damages are awarded to Plaintiff Joseph Hoy against Defendant Dynamic Values Corp. on default judgment as follows:

1. \$1,000 in statutory damages pursuant to 15 U.S.C. § 1692k(a)(2)(A);
2. \$1,000 in actual damages pursuant to 15 U.S.C. § 1692k(a)(1); and
3. \$4,974.99 in attorney fees and costs pursuant to 15 U.S.C. § 1692k(a)(3).

The Court reviewed the Plaintiff's attorney fee invoice. The Court notes that the invoice included fees associated with the Plaintiff's first Motion for Clerk's Entry of Default and first Motion for Default Judgment. The initial Clerk's Entry of Default and the initial Default Judgment were vacated because the Plaintiff had failed to perfect service on the Defendant ([Filing No. 19](#)). After perfecting service on the Defendant, the Plaintiff again filed for a Clerk's Entry of Default and Default Judgment, which were granted. In the interest of justice, the Court determines that Plaintiff Joseph Hoy is not entitled to recover the attorney fees associated with the initial Clerk's Entry of Default and the initial Default Judgment. Therefore, the attorney fees assessed on February 27, March 3, March 28, May 20, May 21, and June 20, 2014, totaling \$380.00, have been removed from the attorney fees awarded above.

Therefore, the total award due from Defendant Dynamic Values Corp. to Plaintiff Joseph Hoy is \$6,974.99.

SO ORDERED.

Date: 3/4/2015



Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

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